Sixtieth Legislative Assembly of North Dakota

FIRST ENGROSSMENT with Conference Committee Amendments ENGROSSED HOUSE BILL NO. 1004

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state

- 2 department of health; to create and enact a new section to chapter 23-39 of the North Dakota
- 3 Century Code, relating to collecting fees for tanning facility inspections; to amend and reenact
- 4 section 23-01-05.3 of the North Dakota Century Code, relating to tracking immunizations; to
- 5 provide legislative intent; to allow the acceptance and expenditure of certain moneys; to provide
- 6 for a demonstration project; to provide for a legislative council study; to provide a continuing
- 7 appropriation; to provide for a report to the legislative council; and to provide an expiration date.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 SECTION 1. BASE LEVEL FUNDING INFORMATION. The amounts identified in this 10 section represent the base level funding component appropriated to the state department of 11 health in section 3 of this Act as follows: 12 Salaries and wages \$32,342,513 13 Operating expenses 25,613,981 14 Capital assets 1,514,469 Grants 15 41,832,166

- 16 Tobacco prevention and control
- 17 WIC food payments
- 18 Total all funds Base level
- 19 Less estimated income Base level
- 20 Total general fund Base level

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SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION. The

amounts identified in this section represent the funding adjustments or enhancements to the
base funding level for the state department of health which are included in the appropriation in
section 3 of this Act as follows:

8,685,995

15,750,000

\$125,739,124

112,270,220

\$13,468,904

1	Salaries and wages	\$5,405,392
2	Operating expenses	20,082,693
3	Capital assets	302,914
4	Grants	14,875,610
5	Tobacco prevention and control	233,351
6	WIC food payments	<u>1,800,000</u>
7	Total all funds - Adjustments/enhancements	\$42,699,960
8	Less estimated income - Adjustments/enhancements	<u>36,941,901</u>
9	Total general fund - Adjustments/enhancements	\$5,758,059

10 SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the 11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state 12 treasury, not otherwise appropriated, and from special funds derived from federal funds and 13 other income, to the state department of health for the purpose of defraying the expenses of 14 that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows: 15 Salaries and wages \$37,747,905 16 Operating expenses 45,696,674 17 Capital assets 1,817,383 18 56,707,776 Grants 19 Tobacco prevention and control 8,919,346 20 WIC food payments 17,550,000 21 Total all funds \$168,439,084 22 Less estimated income <u>149,212,121</u> 23 Total general fund appropriation \$19,226,963

SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item included in section 3 of this Act includes \$266,119, or so much of the sum as may be necessary, to be made available to the state department of health from the environment and rangeland protection fund, for the biennium beginning July 1, 2007, and ending June 30, 2009. This amount includes \$50,000 for a grant to the North Dakota

29 stockmen's association environmental services program.

1	SEC	CTION 5. INTENT - INDIRECT COST RECOVERIES. Notwithstanding section	
2	54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating		
3	account.		
4	SEC	CTION 6. AMENDMENT. Section 23-01-05.3 of the North Dakota Century Code is	
5	amended and reenacted as follows:		
6	23-01-05.3. Immunization data.		
7	<u>1.</u>	The state department of health may establish an immunization information system	
8		and may require the childhood immunizations specified in subsection 1 of section	
9		23-07-17.1 and other information be reported to the department. The state	
10		department of health may only require the reporting of childhood immunizations	
11		and other data upon completion of the immunization information reporting system.	
12		A health care provider who administers a childhood immunization shall report the	
13		patient's identifying information, the immunization that is administered, and other	
14		required information to the department. The report must be submitted using	
15		electronic media, and must contain the data content and use the format and codes	
16		specified by the department.	
17	<u>2.</u>	Notwithstanding any other provision of law, a health care provider, elementary or	
18		secondary school, early childhood facility, public or private postsecondary	
19		educational institution, city or county board of health, district health unit, and the	
20		state health officer may exchange immunization data in any manner with one	
21		another. Immunization data that may be exchanged under this section is limited to	
22		the date and type of immunization administered to a patient and may be	
23		exchanged regardless of the date of the immunization.	
24	SEC	CTION 7. A new section to chapter 23-39 of the North Dakota Century Code is	
25	created and	enacted as follows:	
26	License fees. The fees established by the department must be based on the cost of		
27	conducting routine and complaint inspections, enforcement action, and preparing and sending		
28	license renewals. License fees collected pursuant to this chapter must be deposited in the		
29	department's operating fund in the state treasury and any expenditure from the fund is subject		
30	to appropriation by the legislative assembly. The department shall waive all or a portion of the		
31	license fee for any tanning facility that is subject to local jurisdiction.		

1 The department shall accept city or county enforcement of this chapter if the 2 department determines the city or county requirements meet or exceed the requirements of this 3 chapter and any rules promulgated under this chapter. 4 SECTION 8. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL 5 **SERVICES.** The legislative council shall consider studying, during the 2007-08 interim, the 6 emergency medical services system within the state, including the funding, demographics, and 7 impact on rural areas. The legislative council shall report its findings and recommendations, 8 together with any legislation required to implement the recommendations, to the sixty-first 9 legislative assembly. 10 **SECTION 9. LEGISLATIVE INTENT - CHILDHOOD IMMUNIZATION PROGRAM** 11 **FUNDING.** It is the intent of the sixtieth legislative assembly that the funding appropriated in 12 House Bill No. 1435 be used only for a childhood immunization program and is limited to the 13 lesser of the total appropriation or the amount necessary for the childhood immunization 14 program. 15 SECTION 10. ACCEPTANCE AND EXPENDITURE OF CERTAIN MONEYS. The 16 sixtieth legislative assembly's action on House Bill No. 1004 does not preclude the university of 17 North Dakota from receiving and spending federal and other funds pursuant to North Dakota 18 Century Code sections 54-16-04.1 and 54-16-04.2. 19 SECTION 11. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO 20 SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in 21 section 3 of this Act includes \$2,010,135 for the one-time funding items identified in this 22 section. This amount is not a part of the agency's base budget to be used in preparing the 23 2009-11 executive budget. The state department of health shall report to the appropriations 24 committees of the sixty-first legislative assembly on the use of this one-time funding for the 25 biennium beginning July 1, 2007, and ending June 30, 2009. 26 An antiviral stockpile in case of severe influenza outbreak \$2,010,135 SECTION 12. DEMONSTRATION PROJECT FOR VOLUNTARY SURVEYS DURING 27 28 MAJOR CONSTRUCTION OR RENOVATION OF BASIC CARE AND LONG-TERM CARE 29 FACILITIES - CONTINUING APPROPRIATION - REPORT TO LEGISLATIVE COUNCIL. 30 1. During the 2007-09 biennium, the state department of health shall design and 31 implement a demonstration project through which the department offers a life

- safety survey process for basic care facilities and long-term care facilities to
 access voluntarily during and at the conclusion of a construction project,
 renovation project, or construction and renovation project that costs more than
 three million dollars.
- 5 2. The department may charge a reasonable fee for a life safety survey performed 6 under this section to cover the food, lodging, and transportation expenses of 7 surveyors performing the surveys. Revenues derived from the fees collected 8 under this subsection must be deposited in the state department of health's 9 operating fund in the state treasury and are appropriated as a continuing 10 appropriation to the state department of health for the purpose of funding the 11 demonstration project under this section.
- The department shall design and perform the demonstration project in a manner
 that will provide the surveyor who performs a life safety survey under this section
 does not violate the federal requirements associated with medicare certified life
 safety surveys. The department shall perform the demonstration project within the
 department's 2007-09 appropriation and staffing levels.
- Before August 1, 2008, the department shall provide a report to the legislative
 council regarding the status of the demonstration project, including the feasibility
 and desirability of making the program permanent and whether the department will
 be recommending any legislation to make the program permanent.
- SECTION 13. EXPIRATION DATE. Section 12 of this Act is effective through June 30,
 2009, and after that date is ineffective.